

**MINUTES**  
**WASHINGTON STATE JAIL INDUSTRIES BOARD**  
**September 17, 2004**

**Cowlitz County Regional Conference Center**  
**430 Washington Street**  
**Longview, Washington**

**Members Present:** Jim Berrios, Ed Crawford, Runette Mitchell, Marvin Wolff, Bill Lehning, Andre Loh, David Johnson, Debra Latimer, Sean Morrow, David Dillman, Jill Will (staff), Michele Salsman (staff).

**Proxies Presented:** Joe Koval for Howard Yarbrough.

**Members Absent:** Helen McGovern, Jim Powers, Kenneth Kunes, Jane Johnson, Randy Loomans, Garry Lucas, Carol Washington Mizoguchi, Chandra Wrzesinski.

**Guests:** Bill Weiss, Director, Cowlitz County Corrections; Joe Hennessey, Work Crew Supervisor, Cowlitz County Corrections.

Prior to the start of the meeting Commissioner Bill Lehning led the group on a tour of the new Cowlitz County Regional Events and Conference Center. Bill Weiss and Joe Hennessey distributed annual reports on Cowlitz County Department of Corrections activities and discussed work at the Abernathy Creek salmon restoration site.

**A. Quorum Check**

Chair Marvin Wolff confirmed that a quorum was present and called the meeting to order at 10:25 a.m.

**B. Welcome New Board Members**

The Board welcomed new members Sean Morrow, Executive Vice President, Communications Workers of America Local #7818 and David Dillman, Director, Metropolitan Improvement District. Mr. Morrow is a labor representative to the Board and Mr. Dillman represents business. Ms. Will noted that newly appointed Board member Carol Washington Mizoguchi was unable to attend the meeting.

**C. Approval of the Minutes: April 16, 2004 meeting**

The minutes of the April 16, 2004 meeting were approved as written.

**D. Executive Director's Report**

Ms. Will gave the Executive Director's Report and there was discussion on some items. Ms. Will welcomed new staff member, Michele Salsman, to the Board.

JIB Budget: Joe Koval gave a brief overview of Correctional Industries operations and confirmed that the Office of Financial Management (OFM) has decided to leave intact the small appropriation that includes the Board's funding and some administrative

expenses for Correctional Industries. Ms. Will worked with Department of Corrections budget staff on the budget request. The overall Corrections budget was sent to OFM on September 1<sup>st</sup>. As in past years, the annually funding request will be for \$110,000.

Corrections Clearinghouse Administrative Expense: (NOTE: Agenda Item G. taken up at this time.) Debra Latimer noted that Corrections Clearinghouse (CCH) has provided administration services such as fiscal support, personnel and payroll services to the Board without charge for several years. CCH receives funds from contracts for services and from the Penalty and Interest Account (P&I) at Employment Security. CCH recently suffered a \$100,000 budget cut from P&I funds. As a result of this cut, CCH needs to recoup the cost of the administrative services formerly provided at no cost. The value of these services is estimated at \$6570. Ms. Will noted that this amount was reasonable and considerably more cost effective than similar services provided by OFM's Small Agency Client Services unit. She also noted that much of the Board's operating costs were covered in CCH's overall budget rather than being reflected in the Board's actual bottom line. Ms. Will also confirmed that there were enough funds to cover the request. Ed Crawford moved that the Board budget be amended to pay CCH for administrative services in the amount of \$6570. David Dillman seconded the motion, which was carried by unanimous voice vote.

Prison Industries Enhancement Certification Program: As noted this summer, the Washington State Supreme Court declared that the Prison Industries Enhancement Certification Program operated by Correctional Industries was unconstitutional. The Court found that private companies employing offenders within correctional facilities violated the prohibition against letting out the labor of inmates by contract, and therefore the entire DOC private sector inmate employment program is to be shut down. DOC requested the Court to reconsider. This request was recently denied without comment, meaning the issue is now closed. The Board's request to the Attorney General's office for advice on this matter has not yet been acted upon, but Ms. Will anticipates that it is very likely that the ruling sets a precedent that prohibits private sector employment of offenders within jails.

Electronic Waste Study: Ms. Will noted the Department of Ecology is conducting this study at the direction of the Legislature. She is following activities because of Clark County's ongoing electronic waste recycling program. There has not been much activity to date on the study, but Ms. Will will stay informed.

Driver's License Recovery: Ms. Will noted that she forwarded the names of the Board's participants to Don McCloud, labor representative to the Correctional Industries Board. Ms. Will will follow up with Correctional Industries to see if they take action at their next Board meeting.

**ACTION ITEM:** Jill Will follow up with Correctional Industries if there is no action on this item by the next board meeting.

Arbitration Outline: Ms. Will reviewed the history of the arbitration outline development for the benefit of new Board members, and then discussed the current Washington Administrative Code (WAC) process. The Board approved the arbitration process at its

April 2004 meeting and directed Ms. Will to start the WAC process to officially adopt it. The Board published a notice of intent for rule making this summer, opened a 45 day comment period during which no comments were received, and published a notice of intent for final rule making. The Board is now within the thirty-day waiting period, after which the rule will become final. Ms. Will noted that the WAC process commonly requires a public hearing; however, the Board used the expedited rule making process because Board arbitration is not an enforcement action. The expedited process does not require a hearing.

2003 Offender Work Report: The print version of the 2003 Offender Work Report and an updated brochure are available now for distribution.

## OLD BUSINESS

### E. Video Case Study

Ms. Will followed up with TVW, a private non-profit broadcaster of public affairs programs in Washington State. TVW declined to contract to produce the JIB video on the grounds that they do not want to be perceived as competing with private for-profit producers. Ms. Will has not made contact with potential academic producers since most have been unavailable for the summer. Her first choice is working with Shoreline Community College students and staff, who will be unavailable until September 27<sup>th</sup>. Following a discussion on what the key messages of the video would be, members agreed it may be wiser to hold on the video until further refinements are made to the definition and functions of the Board. Once this is done Ms. Will will work closely with Chair Marvin Wolff to finish this project.

### F. Advisory Board Information

As directed by the Board at its April meeting, Ms. Will developed a draft brochure on the requirement for jails to create local advisory groups when they operate jail industries. The advisory board brochure is aimed at informing local jurisdictions and requirements and about the benefits of community involvement. There was considerable discussion about when and if a jurisdiction needs to form a local group and what exactly is the definition of a "jail industry". Legislation defines a jail industry as an operation that has been declared a jail industry by a jurisdiction. Members discussed that the authors of the legislation envisioned a jail industry like a Department of Corrections operation with private sector employment or county owned factories producing items for sale rather than traditional work activities of jail trustees. On the other hand, traditional work activities could have affects on business and labor interests, and perhaps should be subject to local advisory groups. JIB members agreed that more discussion is needed. The issue will be taken up at length at the next Board meeting. Ms. Will will call for agenda items before the next board meeting to ensure that all topics requiring attention are noted. She will also provide copies of the relevant statutes for Board members information.

**ACTION ITEM:** Jill Will call for agenda items on the issue of the definition of jail industries and put together statutes for Board members information.

## H. Program Assessments

Ms. Will asked Board members to review survey questions that will be distributed to the field. The aim of the survey is to gain updated information and to identify ways that the Board can better serve the field. The survey will go to sheriffs first, who will receive a phone call asking for their participation. It will also go to jail managers so there will be executive level and operating level perspectives gained. Distribution will be by e-mail. Jim Berrios noted he would like to have question eight answered before the next Board meeting so the JIB members are prepared to answer questions. This survey is a way to open up a new phase in the dialogue with our potential customers.

## NEW BUSINESS

### I. Whatcom County Update

Chair Marvin Wolff shared a press release of September 15<sup>th</sup> regarding the need for a new Whatcom County Jail. It discussed the dangerous and overcrowded existing facility. A new jail would be funded with a 1/10 of 1% sales tax increase which will be voted on in Whatcom County this November. This will be the first attempt to pass a criminal justice-related tax increase.

### J. Abernathy Creek Salmon Restoration Project Tour

The tour took place after Agenda Item K, Other Business, was concluded. Joe Hennessey conducted the tour, which covered several restoration sites on Abernathy Creek. A significant amount of work over many months was done at the sites, mostly invasive plant removal and planting of native vegetation. Currently a work crew of 6-8 people goes to Abernathy Creek twice a week to clear back weeds and ensure the plantings survive.

### K. Other Business

The JIB web page has been updated.

November 19<sup>th</sup> was the next scheduled Board meeting. This meeting has been rescheduled due to conflicts to December 3<sup>rd</sup> from 10:00 a.m. - 2:00 p.m. at the Criminal Justice Training Center in Burien.

### L. Adjournment

There being no other business, the business portion of the meeting was adjourned at 12:55 p.m. and members then toured the Abernathy site.

## **Summary of Action Items**

**ACTION ITEM:** Ms. Will follow up with Correctional Industries regarding the drivers' license recovery workgroup.

**ACTION ITEM: ACTION ITEM:** Jill Will call for agenda items on the issue of the definition of jail industries and put together statutes for Board members information.